

Iowa Environmental Regulatory Guide for Industries



The Iowa Environmental Regulatory Guide is your roadmap to Iowa's environmental permitting requirements. This guide will assist in identifying the regulatory requirements as your company begins to plan for locating or expanding your business in Iowa. The Department of Economic Development (IDED) is available to assist your company in identifying permitting requirements, communicating with the appropriate regulatory agencies, and in establishing a strong working partnership with these agencies.

Because we have briefly outlined the requirements for air, water, and land quality permitting, we encourage you to contact us early in the planning process, or to talk with the regulatory agency contact(s) listed at the end of this guide for assistance in complying with the regulations. We are committed to working with you and supporting your commitment to environmental protection and economic development in Iowa. Contacts referred are listed at the end of this guide for your convenience.



A I R Q U A L I T Y

Iowa is one of 15 states in the nation with no areas designated “Non-Attainment” by the Environmental Protection Agency (EPA). This means Iowa has a more flexible air-permitting program, reducing your cost of doing business.

The Iowa Department of Natural Resources (IDNR) Air Quality Bureau administers the Clean Air Act in Iowa. In addition, Polk and Linn Counties administer air programs for businesses located in those counties. Below are the primary types of air quality permits needed to do business in Iowa.

C o n s t r u c t i o n P e r m i t s

A construction permit from the IDNR Air Quality Bureau, Construction Permits Section, is required prior to installing, constructing, or modifying equipment or for control equipment which emits regulated pollutants to the air outside of buildings. Some “sources” (e.g. place or object emitting pollutants) are exempt from construction permitting, such as small natural gas heaters, non-production welding, and selected units with emissions less than one pound per hour. Sources that are not specifically exempt require a construction permit before the equipment is installed. Most construction permits can be obtained within one to three months.

For some sources, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), or predicted high impacts on the ambient (outside) air may make the construction permit process more complicated and lengthy. Major sources of air emissions or significant changes made at these facilities are covered under the Prevention of Significant Deterioration (PSD) program. PSD permitting requires several processes that makes permitting much more time consuming than standard construction permitting.

IDNR does not require operating permits for individual emission units or points (e.g. stacks, vents), as the construction permit remains in effect when a unit starts operating. However, Polk and Linn Counties do require operating permits for individual sources.

T i t l e V O p e r a t i n g P e r m i t s

Title V Operating Permits are required for facilities with the potential to emit annually greater than 100 tons of any regulated pollutant, or 10 tons of any individual Hazardous Air Pollutant (HAP), or 25 tons of any combination HAPs. Operating permit options within the Title V program include:

- 1. Small Source Operating Permits.** These permits are for Title V sources which, through permit limits, will annually keep emissions under 50 tons for all regulated air pollutants; 5 tons for each individual HAP; and 12.5 tons for any combinations HAPs. Record keeping is required. Permit reporting is not required and no Title V fees are paid.

- 2. Voluntary Operating Permits.** These permits are for Title V sources, which, through permit limits, will annually keep emissions to less than 100 tons for each regulated air pollutant, 10 tons for each individual HAP and 25 tons for any combinations HAPs. Actual emissions of these pollutants must not exceed these thresholds. Limited reporting to the IDNR is required and no Title V fees are paid.
- 3. Title V Operating Permits.** These permits cover each emission source at a facility and require annual reporting, record keeping, and monitoring. The payment of tonnage fees to IDNR each year for actual emissions is required.

The Title V operating permit application must be submitted to the Air Quality Bureau, Operating Permits Section, within one year after the start of operation at a new facility. A new facility can operate under a permit shield until the Title V permit is issued as long as a complete permit application is submitted on time. A Title V permit is valid for five years.

S M A L L B U S I N E S S A S S I S T A N C E

Your company may be eligible for confidential, non-regulatory assistance with air quality permitting and compliance at no cost through the Iowa Air Emissions Assistance Program (IAEAP) at the University of Northern Iowa and the Small Business Air Quality Liaison at the Iowa Department of Economic Development.

A small business is eligible for this assistance if it:

- Employs 100 or fewer employees
- Emits 50 tons or less of any regulated air pollutant annually
- Emits 75 tons or less of all regulated air pollutants annually
- Is not a “major source” (e.g. do not meet Title V permit requirements)
- Is a “small business concern” as defined by the federal Small Business Act, (e.g. independently owned and operated and is not dominant in its field.)

I o w a A i r E m i s s i o n s A s s i s t a n c e P r o g r a m

Technical assistance is available from the Iowa Air Emissions Assistance Program (IAEAP) located at the University of Northern Iowa. IEAP is available to perform on-site assessments at a facility, conduct environmental audits, and complete air quality permit applications.

S m a l l B u s i n e s s A i r Q u a l i t y L i a i s o n

Compliance assistance is available from the Small Business Air Quality Liaison at the Iowa Department of Economic Development. The Small Business Air Quality Liaison assists small business in identifying air quality permitting needs, communicating with the appropriate regulatory agencies, and conducting outreach to the small business community.



WATER QUALITY

Iowa recognizes what a critical resource its surface and ground waters provide industry for business and manufacturing purposes and to its citizens and visitors for cultural and recreational opportunities. Water quality in Iowa is managed by the IDNR's Water Quality Bureau through its three sections – Water Supply, Wastewater, and Water Resources. Many of the programs carried out by the IDNR are based on federal laws and Environmental Protection Agency (EPA) rules.

W a s t e w a t e r P e r m i t s

If your facility will discharge wastewater to an existing wastewater treatment system, such as a municipal sewer, please check with the operator of the treatment system to determine if the treatment system can safely accommodate the wastewater load. This is especially important for businesses or industries that will employ a large number of people or discharge wastewater from industrial processes. Modifications or expansions to the existing wastewater system may be needed to handle the additional waste. For some industries, a pretreatment agreement with the local wastewater authority may be needed. In some instances, the IDNR may review the pretreatment agreement.

If your company will construct its own wastewater treatment facility that discharges to surface water, both a wastewater construction permit and a discharge (National Pollutant Discharge Elimination System – NPDES) permit are needed. The application for a construction permit should be submitted at least four months prior to the start of construction.

The application for a discharge permit should be submitted six months prior to the start of operations. Discharge permits contain limits on the amounts and concentrations of pollutants that can be discharged and the IDNR encourages early coordination with the Wastewater Section to determine permit limitations, allowing the wastewater treatment facility to meet these limits.

S t o r m W a t e r P e r m i t s

Certain industries or types of industrial operations (including mining operations, storage or salvage yards, and manufacturing operations) may need a stormwater discharge permit if rainfall or stormwater will come in contact with various types of materials or manufacturing processes. The IDNR Stormwater Coordinator has information packets available describing the types of industrial sites needing stormwater permit coverage.

In many cases, stormwater permitting can be handled with a general permit, greatly simplifying the permit process. Construction activities that will disturb one or more acres of land require a stormwater permit. This construction permitting can be handled under a general permit. The general permit application (called a "Notice of Intent") must be submitted to IDNR Wastewater Section at least 24 hours prior to the start of any land disturbing activities such as site grading. The application must include proof of public notice and a permit fee. A storm water prevention plan must also be prepared, implemented, and kept on site.

Water Supply

If your company will use water from an existing water supply system such as a municipal water supply, water-supply permits from the IDNR may not be needed but please check with the system operator to make sure they can provide a sufficient quantity of water. This is important for industries that may need large quantities of water for manufacturing or processing.

If your company will provide water for human consumption or for manufacturing or processing operations, several water-supply related permits might be required.

- **Water Use Permit.** Withdrawing or using more than 25,000 gallons of water per day from any surface or underground source requires a water use permit from the IDNR Water Supply Section. An application should be submitted at least four months prior to the start of operations. Water use permits are normally valid for 10 years.
- **Well Construction Permit.** Drilling a new well or modifying an existing well requires a well construction permit. The construction permit application should be submitted at least two months prior to construction. If the water will only be used for cooling or industrial processing or it will not be considered a public water supply, obtain the permit through the county sanitation. If the water will be used for human consumption, including drinking water and your company qualifies as a public water supply, obtain the permit through IDNR's Water Supply Section.
- **Construction and Operation Permits.** Providing water for 25 or more people per day for at least 60 days of the year, or having at least 15 service connections, requires public water supply permits for both the construction and operation of the water supply system. Operation permits will contain monitoring and reporting requirements. Construction and operation permits are obtained through the IDNR's Water Supply Section.
- **Certified Operator.** Public water supplies classified as non-transient, non-community public water supplies require a certified operator. Iowa's certification process for water supply system operators requires passing a written examination and meeting minimum education and on-the-job experience requirements. Certified operators must meet continuing education requirements to maintain certification and renew their certificates every two years.

Wetlands

Building on or otherwise disturbing land that is wet even part of the year may qualify the land as a "wetland" under federal regulations. Contact an environmental professional to determine if the area is classified as a wetland and the potential impact to the wetland. Iowa relies on the Army Corps of Engineers ("Corps") Section 404 program to protect wetlands and does not have a separate state wetland protection program. However, the IDNR does provide comments on Corps Section 404 permits.

If a proposed construction site has wetlands on it, you should contact the Corps at the earliest possible time to determine if a Corps Section 404 permit is needed. A minimum of four months should be allowed for wetlands permitting. In some instances, wetland permitting may take a year or more, especially if the size or quality of the wetland is significant and the activity cannot be covered under one of the Corps nationwide permits.

Floodplain

Construction, excavation or filling activities in floodplains (e.g. construction of buildings, dams, channel changes, and site filling) may require a floodplain development permit from the IDNR Water Resources Section. The Joint Application Form used by the Corps for Section 404 permit is also used for floodplain permits. The joint permit application is available from the Corps or the IDNR and should be submitted at least three months (preferably six months) before the work will begin. Many local governments also have floodplain permit requirements. In some cases, the IDNR has delegated its floodplain permitting powers to local governments and a state permit will not be needed.



LAND QUALITY

U n d e r g r o u n d S t o r a g e T a n k s

The Underground Storage Tank (UST) Section of IDNR regulates the installation of new underground storage tanks to help decrease the potential for leaks. Regulations specify the certification requirements for tank installers, acceptable methods of corrosion protection, tank owner financial responsibility requirements, and mechanisms for spill prevention and release detection. Within one month after the installation of a new tank, a notification form must be submitted to the UST Section certifying the regulatory requirements have been met.

If your company buys property that has contamination from a leaking petroleum underground storage tank (LUST), you may be eligible for reimbursement of the costs from the Iowa UST Fund. Iowa has Risk Based Corrective Action (RBCA) rules that allow site-specific cleanup criteria based on the potential health risks created by contamination at the site. A RBCA analysis on a LUST site must be performed using specific software and guidelines provided by the LUST Section. An Iowa Certified Groundwater Professional must perform this work.

A b o v e g r o u n d S t o r a g e T a n k s

Installing aboveground storage tanks (ASTs) requires contacting the local fire department and the Iowa State Fire Marshal to obtain approval for the installation. ASTs over 1,100 gallons must be registered with the Iowa State Fire Marshal within one month of installation.

Storing oils (including animal and vegetable oils), fuels, solvents, and other similar materials that are not water soluble at a facility requires evaluating whether federal Oil Pollution Prevention regulations (40 CFR 112) apply. If your facility has one aboveground storage container with a capacity greater than 660 gallons, a total aboveground storage capacity greater than 1,320 gallons, or total underground storage capacity greater than 42,000 gallons, a Spill Prevention, Control and Countermeasure (SPCC) Plan must be prepared, kept onsite, and available for review by EPA.

N o n - P e t r o l e u m C l e a n u p

Two options are available when buying property that has non-petroleum contamination. The first option available through the Uncontrolled Sites Section of IDNR is a voluntary cleanup program called the Land Recycling Program (LRP). Risk-based criteria requirements consistent with the future land use are used for determining cleanup requirements. Upon completing cleanup, the IDNR issues a binding "No Further Action" certificate that may be recorded with the property deed. Enrolling in the LRP requires completing an application form and submitting an application fee of \$750. The site owner agrees to reimburse the IDNR for oversight of the assessment and cleanup up to a maximum of \$7,500. If groundwater contamination is present at the site, groundwater compliance demonstration requires a minimum of two years monitoring beyond the completion of cleanup. If only soil contamination is present, investigation and cleanup under the LRP can be completed in a matter of months.

A second alternative for non-petroleum cleanup is available through the Uncontrolled Sites Section of IDNR. Under this option it is not required to pay an application fee or to reimburse IDNR for oversight. The investigation and demonstration compliance requirements under this approach are not as stringent as the LRP requirements. As such, a “completion letter” from IDNR is issued, but this is not as binding as a “No Further Action” certificate. The “completion letter” may not be recorded with the property deed. In addition, if regulations become more stringent in the future, IDNR may require additional cleanup.

S O L I D W A S T E M A N A G E M E N T

S o l i d W a s t e

Facilities in the business of transferring, storing, processing or disposing of solid waste and industrial waste (excluding hazardous wastes) are permitted by the Permitting Section of the Energy & Waste Management Bureau. Building a waste management facility (i.e. appliance demanufacturing facility, landfill, transfer station, processing facility, composting facility, citizen convenience center, incinerators or waste-to-energy facilities, waste tire storage or processor, waste tire haulers, biohazard waste processors or incinerators) requires working closely with IDNR, and pre-planning meetings are encouraged. Permitting can be a lengthy process and requires community involvement.

If your company disposes of an industrial process waste in a landfill, you may have a special waste. Contact the Permitting Section of the Energy & Waste Management Bureau and your local landfill to determine if landfill disposal of the waste is allowed. Because the landfill has the right to refuse special waste this is an essential pre-planning step for your business. There is no IDNR special-waste permitting fee for businesses, but the landfill may charge an increased disposal fee to accept and manage your special waste.

If you have an industrial process waste that is of low environmental risk, you may also want to consider a beneficial use determination from the Energy & Waste Management Bureau pursuant to Iowa Administrative Code 567—Chapter 108. A beneficial use determination may help you market your byproduct as a resource or feedstock for other companies, thereby reducing disposal costs.

H a z a r d o u s W a s t e

In Iowa, the Resource Conservation and Recovery Act (RCRA) program is administered by EPA Region 7 in Kansas City. RCRA regulates facilities that generate, transport, treat, store or dispose of hazardous waste. Generators and transporters of hazardous waste must have EPA identification numbers and comply with regulations for the handling of hazardous waste. Treatment, storage, and disposal facilities must meet more stringent requirements and have a RCRA permit to operate. If hazardous waste will be managed in your facility, contact EPA Region 7 to obtain an identification number. It will take one week to obtain an EPA identification number. If your facility will be considered a treatment, storage, or disposal facility under the RCRA regulations, a RCRA permit must be obtained from EPA prior to handling hazardous waste. This RCRA permit application should be submitted to EPA six months before construction starts at the facility.



CONTACTS

Iowa Department of Economic Development

Regulatory Assistance

200 East Grand Ave
Des Moines, Iowa 50309
515-242-4901

www.iowasmart.com/services/assistance/index.html

Small Business Liason for Air Quality

200 East Grand Ave
Des Moines, Iowa 50309
515-242-4761

www.iowasmart.com/services/assistance/airquality.html

Iowa Department of Natural Resources

Environmental Protection Division

Wallace Building

Des Moines, Iowa 50309

515-281-7276

www.state.ia.us/government/dnr/organiza/epd

Air Quality Bureau

7900 Hickman Road, Suite 1
Urbandale, Iowa 50322
515-281-8034

- **Construction Permits Section**
515-281-8189
- **Operating Permits Section**
515-281-8930

Water Quality Bureau

515-281-5029

- **Wastewater Section**
515-281-8877
- **Water Supply Section**
515-725-0275
- **Water Resources Section**
515-281-4312
- **Storm Water Coordinator**
515-281-7017

Land Quality Bureau

515-281-8169

- **Underground Storage Tanks Section**
515-281-8135
- **Contaminated Sites Section**
515-281-7040

Energy and Waste Management Bureau

515-281-8927

- **Solid Waste Planning, Permitting and Engineering Services Section**
515-281-5105

Field Services and Compliance Bureau

- **Field Office #1 – Manchester**
563-927-2640
- **Field Office #2 – Mason City**
641-424-4073
- **Field Office #3 – Spencer**
712-262-4177
- **Field Office #4 – Atlantic**
712-243-1934
- **Field Office #5 – Des Moines**
515-725-0268
- **Field Office #6 – Washington**
319-653-2135

Linn County Public Health

501 13th Street NW
Cedar Rapids, Iowa 52405
319-892-6000

Polk County Air Quality

1595 NE 58th Street
Des Moines, Iowa 50313
515-286-3351

Iowa Waste Reduction Center

University of Northern Iowa
1005 Technology Parkway
Cedar Falls, Iowa 50613-6951
800-422-3109
319-273-8905
www.iwrc.org

Environmental Protection Agency, Region 7

Air, RCRA, and Toxics Division
901 North 5th Street
Kansas City, Kansas 66101
913-551-7020
www.epa.gov/region7

Iowa State Fire Marshal Division

621 East 2nd Street
Des Moines, Iowa 50309-1831
515-281-5821

U.S. Army Corps of Engineers

Rock Island District
Regulatory Branch
Clock Tower Building
P.O. Box 2004
Rock Island, Illinois 61204-2004
309-794-5373
www.mvr.usace.army.mil

This guide was completed in collaboration by the Iowa Departments of Economic Development and Natural Resources and the Howard R. Green Company.

Disclaimer: This guide is intended to provide a general overview of permitting/regulatory requirements which may be applicable to your facility. For requirements specific to your facility, please contact the regulatory contact noted in this guide, or the Iowa Department of Economic Development Regulatory Assistance Team at 1-800-532-1216 for further assistance.